

REMARKS

The March 5, 2010 Examiner's Amendment indicates that the changes made therein were authorized by Applicant's representative during a telephone interview on February 23, 2010. However, Applicant respectfully submits that the Examiner's Amendment differs in some aspects from the amendments authorized by Applicant's representative during the interview. Accordingly, this Amendment is being filed to correct discrepancies between the Examiner's Amendment and the amendments authorized during the interview. Entry of the amendments herein is respectfully requested.

In addition, it is respectfully submitted that Applicant should not be penalized for patent term adjustment in connection with this Amendment, since this Amendment was necessitated by inaccuracies in the record resulting from the March 5, 2010 Examiner's Amendment.

Applicant's undersigned attorney may be reached in our Costa Mesa California office by telephone at (714) 540-8700. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Daniel G. Barry/
Attorney for Applicant
Daniel G. Barry
Registration No.: 65,423

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200